

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

Olga Andreu Megwinoff,
Plaintiff,
V.
Banco Bilbao Vizcaya,
Defendants.

CASE NUMBER: 98-1995 (HL)

MOTION

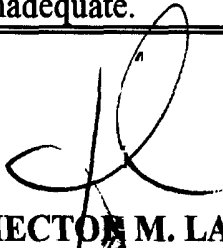
Date Filed: 3/13/00 **Docket #** 61 ☒ Plffs ☐ Defts
Title: Motion for Reconsideration
Opp'n Filed: **Docket #**

ORDER

This Court is not divested of jurisdiction to consider Plaintiff's Motion for Reconsideration, Dkt. No. 61, by virtue of Plaintiffs' filing of a notice of appeal. Plaintiff's motion went directly to the merits of the case, thus allowing the Court to treat the motion as having been filed under Fed. R. Civ. P. 59(e). See Allan Ides, *The Authority of a Federal District Court to Proceed After a Notice of Appeal Has Been Filed*, 143 F.R.D. 307, 318. Such motions constitute an exception to the so-called transfer-of-jurisdiction principle. See Fed. R. App. P. 4(a)(4); 143 F.R.D. 307, 317; Charles W. Adams, *The Timing of Appeals Under Rule 4(a)(4) of the Federal Rules of Appellate Procedure*, 123 F.R.D. 371, 384.

The Court hereby denies Plaintiff's Motion for Reconsideration, Dkt. No. 61. Because a discussion of the Court's reasons for this denial would merely repeat the points made in the Court's Opinion and Order, Dkt. No. 58, the Court shall limit itself to making one point that seems to need clarification. It is not sufficient to comply with Local Rule 311(12) simply to attach exhibits to a statement of material facts. Each material fact must have a *specific reference to the record*. This means that making a bald factual assertion with no citation of any kind is inadequate.

Date 3/22/00


HECTOR M. LAFFITTE
Chief U.S. District Judge

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